

REMARKS

Claims 39-58 were pending when last examined. No claims have been amended in this Response.

Interview Request

Applicants requested an interview with the Examiner to clarify rejections over U.S. Pat. No. 6,298,482 to Seidman et al. ("Seidman") in the last Office Action dated February 17, 2006.

First, in the Office Action, the Examiner stated that "applicant argues that the 'Program Category' disclosed by Seidman is not the same as a 'genre.'" Office Action at page 2. Applicants respectfully noted that the Examiner misrepresented Applicants argument, which stated that "[a]lthough Seidman discloses a Selection History Record ..., it fails to disclose the reference identifier identifying a content description that is separate from the user action list and specifies a genre of the multimedia program." Response of Jan. 23, 2006, at page 7 (emphasis added).

Second, the Office Action did not explain how Seidman discloses a reference identifier identifying a content description that is separate from the user action list. Instead, the Office Action pointed to Seidman's FIG. 4 and identified only Parts 43-45 without addressing applicants' above argument.

Interview Summary

Applicants' representative would like to thank the Examiner and his supervisor for extending a phone interview on March 29, 2006. During the interview, claim 39 was discussed in view of Seidman. No agreement has been reached.

During the interview, the Examiners stated that, in their opinion, Seidman discloses, or at least suggests, that Parts 43-45 correspond to a content description that is separate from the user action list. The Examiners argued that Parts 43-45 labeled "CHANNEL," "PROGRAM NAME," and "PROGRAM CATEGORY" correspond to the content description, and FIG. 4 illustrates the Parts 43-45 in a separate box because they are separate

from the Selection History Record. Applicants' representative disagreed and pointed the Examiners to Seidman's specification clearly disclosing that the CHANNEL, PROGRAM NAME, and PROGRAM CATEGORY represented by Parts 43-45 are included in the Selection History Record, instead of being separate from it. The Examiners also referred to alleged similarities between Seidman's FIG. 4 and the present application's FIG. 1. Although applicants' representative explained the differences between the present application and Seidman, the Examiners maintained their position that Seidman discloses, or at least suggests, that Parts 43-45 are separate from the Selection History Record.

The Examiners also asserted that the claimed reference identifier corresponds to Seidman's DATE or TIME Part shown in FIG. 4. Applicants' representative argued that neither the DATE nor the TIME Part identifies a separate content description. According to the Examiners, however, the claimed "identification" is disclosed by a line that connects the block of the DATE and TIME elements with Parts 43-45 in Seidman's FIG. 4. Although applicants' representative explained that the particular line represents that Parts 43-45 are included in Seidman's Selection History Record only if the SHR represents a "Tune Begin" action, the Examiners maintained their original position.

Applicants' representative thanks the Examiners for clarifying the rejections in the last Office Action.

Response to Arguments

The Examiner's arguments seem to hinge on the assertion that Seidman's FIG. 4 discloses that the Parts 43-45 are separate from the Selection History Record.

Applicants respectfully disagree with the Examiner's interpretation of Seidman, and submit that the Examiners assertion is not supported by Seidman's specification. If interpreted in proper context, which is Seidman's own specification, Seidman's FIG. 4 discloses without any ambiguity that Parts 43-45 are optional elements included in specific Selection History Records, as discussed in more detail below with reference to specific claims. No other interpretation is disclosed about the Parts 43-45 in Seidman.

Instead of being based on Seidman's own disclosure, the Examiner's interpretation of Seidman's FIG. 4 seems to benefit from the insight gained from the present application. Indeed, the Examiner based the assertion that Parts 43-45 are separate from the Selection History Record only on the fact that FIG. 4 shows the Parts 43-45 in a separate box. But the Examiner could not point to any other disclosure in Seidman (or elsewhere) to support that assertion. Indeed, Seidman has none. Instead, Seidman explains that Parts 43-45 are in a separate box because they are optional elements within the Selection History Record. In contrast, the present application explains in detail the techniques and benefits of having a separate content description that is identified in a user action list. See, e.g., pages 4, 5, 8, 10 and 18 of the present application. Thus, the Examiner's assertion seems to come from the present application, not from the prior art. This is impermissible hindsight.

The discussion below refers only to the specific rejections made in the last Office Action. In this response, applicants do not address rejections, such as obviousness in view of Seidman alone, that were raised by the Examiners only during the interview and currently are not part of the record.

Claim Rejections – 35 USC § 102

Claims 39, 40, 41, 42, 43, 48, 49, 50, 51, 54, 55, 56, and 57 were rejected under 35 U.S.C. 102(e) as being anticipated by Seidman. Applicants respectfully traverse the rejections.

Claim 39 recites, in part, storing a usage history including a user action list that lists user actions and includes a first user action item corresponding to a first user action. The first user action item includes a reference identifier identifying a content description that is separate from the user action list.

As discussed above with reference to the interview summary, the Examiner identified Parts 43-45 in Seidman's FIG. 4 as the claimed content description. The claim requires a content description that is separate from the user action list. Seidman, however, fails to disclose that Parts 43-45 are separate from the user action list.

Seidman's Parts 43-45 are optional elements included in corresponding Selection History Records.

Seidman discloses that, when a user selects a program for viewing, a “tune begin” entry is added to a Selection History (SH). Col. 7:1-7. If the user turns off the system or tunes to a different program, a “tune end” Selection History Record is added to the Selection History. Col. 7:20-24. If the user responds to interactive options, a “hyperlink” or “interactivity” record is added to the Selection History. Col. 7:34-38. Thus, Seidman clearly discloses different types of Selection History Records, where each type represents a corresponding user action.

Seidman also discloses that the different types of SHRs include different information. Col. 7:39-55. For example, an SHR for “tune end” includes only the profile name, time, and date. Id. In addition to the profile name, date, and time, an SHR for “tune begin” also records the channel tuned to, the program name, and program category, which are illustrated in FIG. 4 by Parts 43-45 labeled as CHANNEL, PROGRAM NAME, and PROGRAM CATEGORY, respectively. Id. Accordingly, Parts 43-45 are optional information elements that are included in an SHR only if the SHR represents a “tune begin” user action. Parts 43-45, however, are not included in an SHR that represents, e.g., a “tune end” user action. When a “tune begin” SHR is listed as an item in a list, such as the history report (see Seidman’s FIG. 7), the Parts 43-45 are included in the same list, not separate from it.

Seidman's FIG. 4 does not disclose that Parts 43-45 are separate from the user action list.

Seidman’s FIG. 4 shows the format for the Selection History Record. Col. 2:49-50. Nowhere does Seidman disclose that FIG. 4 includes elements that are separate from the Selection History Record.

FIG. 4 illustrates a first “box” that includes Parts 38-42 labeled as RECORD NUMBER, DATE, TIME, VIEWER PROFILE NAME, and ACTION, respectively. The ACTION Part 42 is divided into sub-elements labeled TUNE BEGIN, TUNE END, VIDEO HYPERLINK SELECTION, and INTERACTIVITY SELECTION. These sub-elements represent the different types of the Selection History Records, as discussed above. Col. 7:39-

55. For example, a Selection History Record can be either a “tune begin” SHR or a “tune end” SHR. Thus, in light of Seidman’s own specification, these sub-elements represent alternatives for the ACTION Part 42. Seidman does not disclose any other interpretation for the sub-elements in the ACTION Part 42.

Seidman’s FIG. 4 also illustrates a second “box” that includes Parts 43-45 and is connected by a line to the TUNE BEGIN sub-element of the ACTION Part 42. The Parts 43-45, labeled as CHANNEL, PROGRAM NAME, and PROGRAM CATEGORY, respectively, represent the optional elements that are included only in Selection History Records for “tune begin.” Col. 7:39-55. This relationship is represented by the line connecting the box of Parts 43-45 to the TUNE BEGIN sub-element of the ACTION Part 42. In accordance with Seidman’s specification, the TUNE END sub-element lacks a connected box because a “tune end” Selection History Record lacks any additional elements. Similarly, the VIDEO HYPERLINK SELECTION and INTERACTIVITY SELECTION sub-elements have third and fourth connected boxes because the “video hyperlink” and “interactivity” Selection History Records have respective additional elements. Thus, the different boxes and their connections represent the different information recorded in the different types of SHRs in accordance with Seidman’s own specification. Accordingly, FIG. 4 discloses that each SHR itself includes the information even if that information is illustrated in a separate box of FIG. 4. Seidman does not disclose any other interpretation for FIG. 4.

In sum, Seidman discloses that Parts 43-45 are optional elements in a Selection History Record, and multiple Selection History Records can be arranged in a list. Seidman, however, fails to disclose that Parts 43-45 are separate from the corresponding SHR or from the list including that SHR, as asserted by the Examiner. Lacking any disclosure about Parts 43-45 being separate from a user action list, Seidman cannot disclose that the DATE Part 39 or the TIME Part 40 is a reference identifier identifying a content description that is separate from the user action list, as required by the claim.

Because Seidman fails to disclose at least the claimed reference identifier, claim 39 should be allowed. Claims 40, 41, 42, and 43 depend from claim 39, and are allowable for at least the same reasons.

Claims 48 and 54 are independent claims reciting a system and a computer program product, respectively. Both claims require a reference identifier similar to that discussed above with reference to claim 39. Because Seidman fails to disclose at least the claimed reference identifier, claims 48 and 54 should be allowed. Claims 49, 50, 51, 55, 56, and 57 are dependent claims that are allowable for at least the same reasons as their respective base claims.

Claim Rejections – 35 USC § 103

Claims 44, 45, 52, 53, and 58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of U.S. Pat. No. 6,292,796 to Drucker et al. (“Drucker”). Applicants respectfully traverse the rejections.

Claim 44 depends from claim 39, and recites that the reference identifier defines a link to the content description. As discussed above with reference to claim 39, Seidman fails to disclose the claimed reference identifier. The Examiner admits that Seidman does not disclose that the reference identifier defines a link to the content description. The Examiner points to Drucker for the missing subject matter.

Drucker discloses techniques for searching electronic medical records or literature. Abstract. Drucker’s search techniques include notifying a user by an e-mail that includes a link to the search results. Col. 8:35-52.

The Examiner asserts that it would have been obvious using Drucker’s link “to modify the link disclosed by Seidman, which is used to get data on a person in the video (Seidman:column 7, lines 49-52), to give alternative information about the video.”

First, the modification suggested by the Examiner would not provide the claimed subject matter. Seidman discloses a “hyperlink” that is offered to a user during viewing a program in order to access content related to the topics displayed in the program. Col. 8:16-34. Seidman’s link, however, is not included in the Selection History Record, as the Examiner seems to assert. Instead, the SHR includes the name of the selected object, sub-selection information, such as the type of the selected material (short or long biography, or video clip), and whether the user immediately displayed the selected information. Col. 7:47-

53. Thus, Seidman records information about the video link selection, but does not record the link itself in the Selection History Record. Accordingly, if Seidman's link is modified as suggested by the Examiner, the modified link would not be included in the Selection History Record. Base claim 39, however, requires a user action list that includes a first user action item including a reference identifier identifying a content description that is separate from the user action list. These limitations are not met by the modification suggested by the Examiner.

Second, the Examiner failed to provide a proper motivation to a modification that would correspond to the claimed subject matter. Applicants submit that neither Seidman nor Drucker discloses or suggests the claimed reference identifier in the user action list. Thus, no *prima facie* obviousness has been established, and claim 44 should be allowed.

Claim 45 depends from claim 44 and is allowable for at least the same reasons.

Claims 52, 53 and 58 also require that the reference identifier defines a link to the content description. As discussed above, neither Seidman nor Drucker discloses or suggest the claimed reference identifier in the user action list. Thus, no *prima facie* obviousness has been established, and claims 52, 53 and 58 should be allowed.

Claims 46 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Arsenault. Applicants respectfully traverse the rejections.

Claims 46 and 47 depend from claim 39. As discussed above with reference to claim 39, Seidman fails to disclose the claimed reference identifier. Arsenault is equally lacking.

Arsenault discloses techniques for providing video on demand (VOD) services. Abstract. The techniques include selecting programs for VOD service according to categories, such as basketball programs, drama, a particular actor or director. Col. 16:64-67. Arsenault, however, does not disclose or even suggest a reference identifier identifying a content description that is separate from the user action list, as required by the claims. Thus, no *prima facie* obviousness has been established, and claims 46 and 47 should be allowed.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Respectfully submitted,


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